

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

SONY MUSIC ENTERTAINMENT, *et al.*,

*Plaintiffs,*

v.

COX COMMUNICATIONS, INC., *et al.*,

*Defendants.*

Case No. 1:18-cv-00950-LO-JFA

**DEFENDANTS' MOTION FOR DISCOVERY SANCTIONS AND TO  
PRECLUDE PLAINTIFFS' USE OF MARKMONITOR EVIDENCE**

Pursuant to Fed. R. Civ. P. 37 and E.D. Va. Local Rule 37, Defendants Cox Communications, Inc. and CoxCom, LLC (collectively, "Cox") respectfully move this Court to impose discovery sanctions by precluding Plaintiffs' use of MarkMonitor evidence. Plaintiffs further move the Court to compel Plaintiffs to search for and produce any similar information maintained by the other plaintiff groups.

Cox states the specific grounds for their Second Motion Compel in the accompanying Memorandum and the Declaration of Thomas M. Buchanan and the exhibits attached thereto.

**LOCAL RULE 37(E) MEET AND CONFER STATEMENT**

On July 30, 2019 the parties conducted a meet-and-confer call during which the parties discussed their respective emails and the issues covered in this Motion.

Despite these extensive good-faith efforts, the parties were not able to come to resolution on Cox's outstanding requests that are the subject of the Motion.

Dated: August 14, 2019

Respectfully submitted,

*/s/ Thomas M. Buchanan /*

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**CERTIFICATE OF SERVICE**

I certify that on August 14, 2019, a copy of the foregoing **DEFENDANTS' MOTION FOR DISCOVERY SANCTIONS AND TO PRECLUDE PLAINTIFFS' USE OF MARKMONITOR EVIDENCE was** filed electronically with the Clerk of Court using the ECF system which will send notifications to ECF participants.

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